

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LASHANDA JOHNSON,**

**Plaintiff,**

**v.**

**REUBEN COX; TAK TRUCKING, INC.;  
AND VICTORY TRANSPORTATION,  
INC;**

**Defendants.**

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**CIVIL ACTION NO. 3:21-CV-3105-E**

**JURY TRIAL**

**PLAINTIFF'S OPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL  
RESPONSE TO DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S EXPERT  
WITNESS DARIN OKUDA, M.D., & BRIEF IN SUPPORT**

Plaintiff Lashanda Johnson files this Opposed Motion for Leave to File Supplemental Response to Defendants' Motion to Strike Plaintiff's Expert Witness Darin Okuda, M.D., & Brief in Support, and respectfully shows the Court the following:

**I. RELEVANT BACKGROUND**

This lawsuit arises out of a motor vehicle collision. Plaintiff designated Dr. Darin Okuda as an expert witness, and Defendants moved to strike Dr. Okuda's testimony. See Doc. 30. Plaintiff moves for leave to file a supplemental response because Defendants' motion was late.

The Scheduling Order provides as follows:

6 weeks after disclosure of an expert is made	Deadline to object to any other party's expert witnesses: Objection shall be made as a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the court with all the information necessary to make a ruling on any Objection.
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Doc. 22. Plaintiff designated Dr. Darin Okuda as an expert witness on November 30, 2022. See Doc. 20, pages 17-19. Accordingly, any motion to strike or limit Dr. Okuda's testimony should have been filed by January 11, 2023. For this reason, Plaintiff requests leave to file a supplemental response asserting this additional ground.

## **II. ARGUMENT AND AUTHORITIES**

Local Rule 56.7 provides that "[e]xcept for the motions, replies, briefs, and appendixes required by the rules, a party may not, without the permission of the presiding judge, file supplemental pleadings, briefs, authorities, or evidence." N.D. Tex. Civ. R. 56.7. Accordingly, Plaintiff requests leave of court to file a supplemental response to Defendants' Motion to Strike Plaintiff's Expert Witness Darin Okuda, M.D., asserting that Defendants' motion was filed after the time set forth in the scheduling order.

## **III. PRAYER**

Plaintiff prays that the Court grant this motion. Plaintiff prays for such other and further relief, at law or in equity, to which she may show herself to be justly entitled.

Respectfully submitted,

BY: /s/ Jibraeel "Jib" Zaidi  
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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

This is an opposed motion. On July 3, 2023, counsel for Plaintiff, Jibraeel Zaidi, and counsel for Defendants, Jeffrey Smith, conferred on this motion. An agreement could not be reached as to the leave sought in the motion.

Dated: July 3, 2023.

/s/ Jibraeel "Jib" Zaidi  
**Jibraeel "Jib" Zaidi**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served all counsel and or pro se parties of record electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2) on this the 3<sup>rd</sup> day of July, 2023.

**VIA E-MAIL:** [jeffrey.smith@fletcherfarley.com](mailto:jeffrey.smith@fletcherfarley.com)

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